

## CHAPTER THIRTY TWO EUROPEAN UNION

### Introduction

Having been a member of the European Union (EU) and its predecessors since 1973, you might expect there to be a degree of enthusiasm for, or even interest in, the organisation within the UK, but it is far from the case. Britain's relationship with the EU is rather complicated, with Britain still being labelled a "reluctant European". This label is not unjustified. Historically, Britain refused to participate in the early years, with the formation of the European Coal and Steel Community (ECSC) in 1951 and the European Economic Community (EEC) in 1957. The reasons were that Britain had recently nationalised both the coal and steel industries, that it had an Empire to look after, and had a 'special relationship' with the United States. Europe was very low in British priorities in the early post-war years.

In the 1960s, however, with the success of the ECSC and the EEC, there was an apparent change of heart in Britain. An alternative organisation was established – the European Free Trade Association (EFTA). Although it had seven founding members (compared to the six of the EEC), EFTA was not a great success. Harold Macmillan applied to join the EEC in 1961, but the application was turned down in 1963. Similarly Harold Wilson applied unsuccessfully in 1967. It was not until the application by the Edward Heath Government that Britain was able to enter the EEC on 1 January 1973.

Even after joining, the relationship between Britain and the EEC was problematic. In 1974 the terms of entry were renegotiated and in 1975 there was a referendum on whether Britain should remain in the EEC. This was passed, with two thirds of voters deciding that Britain ought to remain a member.

When Margaret Thatcher became Prime Minister, the relationship between Britain and the EEC became even more fraught. Thatcher put British interests ahead of those of the EEC, and was often accused of 'handbagging' her European partners. If anything,

Thatcher epitomised the ‘reluctant European’. Narrow national interests always superceded trans-national or supra-national interests, with Britain often appearing to be the odd-one out in Europe.

Her successors (John Major and Tony Blair) claimed to want to place Britain ‘at the heart of Europe’. Such claims were treated with a degree of scepticism. Major negotiated opt-outs from the Treaty on European Union, as well as being unwilling to enforce some EU directives. An example of the latter is cited by Falkner *et al* (2004), where the Working Time and Young Workers Directives were opposed by the Major Government but were passed under Qualified Majority Voting (explained later in this chapter). The Major Government challenged the Working Time Directive in the European Court of Justice in March 1994, but lost the challenge in November 1996. Despite this, the Major Government “openly refused to accept the Court ruling” (Falkner *et al*, 2004, p. 457). No attempt was made to comply until just before the May 1997 General Election. Blair gave a verbal commitment to European leaders that Britain would join the Euro. He was, however, unable to deliver British membership of the Euro. Thus, even with more supposedly pro-European leadership, the UK appeared to remain a reluctant member.

All of this portrays the negative aspects of British membership of the EEC – and these are some of the reasons as to why Britain has earned the label ‘reluctant European’. As will become apparent in this chapter, the relationship is not so clear-cut. Britain has a vital role to play in the EU - the problem is that successive governments have failed to grasp the opportunity.

### **The Constitutional Relationship**

Britain’s membership of the EU has been built into the constitution - and necessarily so. While Parliament remains sovereign, whenever there is conflict between EU law and national law, EU law takes precedence. This may appear to be a contradictory position. According to the British constitution, Parliament is supreme. With regard to local government or the devolved bodies, they are lesser institutions when compared to Parliament. It is Parliament that grants powers to these bodies, and Parliament can also

rescind the powers as well. By signing the Treaty of Rome, however, and joining what was then called the EEC in 1973, Parliament granted powers to Europe which actually placed Europe in a dominant position. This has often been described as having “surrendered sovereignty” to Europe. In the late 1980s, Margaret Thatcher, in particular, complained that Britain had surrendered enough sovereignty.

Article 189 of the Treaty of Rome (1957) specifies the extent to which the EU can legislate for member states. It can pass:

- *Regulations* - these are binding in every respect and have the direct force of law in every member state. They are directly applicable.
- *Directives* - these are binding on the member states to which they are addressed with respect to the results to be achieved. They need to be transposed into national law, but the means are left to the discretion of the national authority.
- *Decisions* - these may be addressed to a specific government, a private enterprise or an individual, and are binding in every respect on the parties involved.
- *Recommendations and Opinions* - these are purely advisory, with no binding authority.

The mere act of joining automatically involved an acceptance of this article and the judgements of the European Court of Justice based on it.

While on the surface it may appear that Britain has indeed surrendered sovereignty to Europe, the constitutional position is actually far more complex. On the one hand, with the drive towards ever-closer union, increased political and economic integration, and the introduction of the Euro, sovereignty is being lost. Yet the complaints about the loss of sovereignty appear to be peculiarly British. Part of this stems from Britain’s history - Britain did not lose the Second World War; Britain has not been successfully invaded since 1066; all other member states have changed their constitutions (in particular after the Second World War) whereas the British constitution represents stability and

continuity. This erosion of sovereignty started in 1973. To stop it, the option is quite simple: withdraw from the EU. In doing so, Parliamentary sovereignty can be reasserted properly. Britain can become truly independent again.

The problem is that this option is no longer really valid. Britain has become integrated into Europe, economically as well as politically. The political option of withdrawal is not valid in economic terms – even if it is acceptable in political terms. Britain has been to the forefront in enabling the individual member states to reassert themselves within the EU context. The most notable success was during the Treaty on European Union negotiations, with the introduction of the concept ‘subsidiarity’. This concept means that decision making, in particular circumstances, is removed from Brussels to national capitals, or even to lower tiers of government within each member state. Added to this, the British economy is well integrated into that of Europe – to the extent that the EU is Britain’s largest export market. Over half of all UK trade is conducted with the other 26 member states of the EU (and most of that is conducted with the Euro-zone states). Withdrawal would see trade barriers go up between Britain and the rest of the EU, with tariffs and duties to be paid on imports and exports. The US, China and the Commonwealth could never replace the lost markets of Europe.

### **The Political Relationship**

When examining the political relationship between Britain and the EU, there are two distinct sections. The first is the actual relationship between the two, and the second is to do with perceptions about the EU within British politics.

The perception of the EU within government has changed. An article in the *Observer* in December 1995 (“The Battle for Brussels is already lost”) pointed out that dealing with Brussels was no longer considered to be foreign policy. This article went on to highlight the extent to which the EU has become an integral part of the government of Britain. At that time, approximately 70% of the Ministry of Agriculture, Fisheries and Food’s work was Brussels-related. Issues such as terms of employment, or health and safety at work were dealt with in Brussels, along with health and hygiene standards. Such policies are

developed by the member states (including Britain) as well as by the EU institutions. It is important to note that there is British representation in each EU institution. What can be seen here, and is addressed later in this chapter, is the Europeanization of Britain.

The political relationship may be best exemplified by the attitudes of the MPs towards Europe. What is interesting here is the range of different attitudes that exist towards the EU. Most of this is not picked up in the media. The media representation of any debate on the EU is between Euro-philes and Euro-phobes, or pro- and anti-Europeans – those who like Europe against those who hate it. This is a gross oversimplification of the divisions in any debate on the EU. As Rosamond and Wincott (2006, p. 8) have noted, “[t]he notions of ‘pro’ and ‘anti’ European perhaps also conceal more than they reveal”.

If the future of Europe is to become a superstate, with the individual members reduced in status to little more than a copy of the component states of the USA, then the vast majority of people would probably not support such a position. Does this make them all anti-Europeans? Similarly, if the future of Europe is to remain as it is now, with individual member states responsible for some areas of policy, and the EU responsible elsewhere, with possible enlargement but little further integration, there would probably be support for such a position. Does this make such supporters pro-Europeans?

During the debates on the Treaty on European Union (also known as the Maastricht Treaty), Bill Cash (MP for Stone) highlighted the problem. He was opposed to the treaty but he believed that Britain did have a role to play in Europe. As he was anti-Maastricht, however, he was portrayed in the media as being anti-European. Cash supported the idea of a European Community but was opposed to further integration. Such a position appears to have been considered too complex to convey to the public. Cash’s position was reduced to the lowest possible denominator: that of being anti-European. As Cash (1992, p. 14) said:

We are told that the choice is between accepting Maastricht or repudiating the European Community as a whole. To be anti-Maastricht is said to be anti-European. This is an insular argument, which assumes that the only question for the British is whether they should be in or out. But nobody wants to see Britain

standing alone outside Europe. The questions it raises are much broader. Any argument based on this unreal alternative is untenable and anti-Community.

Within each of the two major parties there are a range of different attitudes to the EU. With regard to the various Conservative positions, what is most notable is that the majority of MPs appear generally supportive of membership of the EU – if guardedly so. The problem really arises with the future development – both integration and enlargement. There appears to be a general belief that the individual member states are very important, and that this identity should not be lost within a greater EU. There is clear opposition to ceding further powers to the EU. It would be very difficult, for example, to find any Tory MPs (or MEPs for that matter) who support the idea of a federal Europe. The Cameron position is somewhat vague. He appears to believe that Britain should be in the EU but there does not appear to be any clear vision as to how the EU should develop, or what should be Britain's role within the organisation.

Those opposed to membership within the Conservative Party, the “anti-marketeers”, are growing in number. While the UK Independence Party (UKIP) has tapped into this anti-EU feeling, many of these people are staying loyal to the Conservative Party. Issues such as immigration (especially after the enlargements of 2004 and 2007) have come to the forefront. The now-defunct EU constitution and the EU Reform Treaty have both been seen as further undermining national sovereignty, as have the economic problems of the co-called PIIGS economies (Portugal, Ireland, Italy, Greece and Spain). Financial bailouts for the smaller countries, and the potential need for such bailouts for Italy and Spain, has seen an increasingly anti-Euro and anti-EU sentiment. This, in turn, has led to an increase in anti-EU sentiment within much of the Conservative Party – especially at the grassroots level, but also at Westminster, where around 100 Conservative MPs attended a new anti-European group meeting in September 2011. Whether this will lead to the Conservative Party espousing a policy of withdrawal from the EU will remain to be seen. Plans to hold referenda on future ceding of powers to the EU appear to have been shelved. It was generally accepted that if such a proposition became law, the likelihood of approving of such ceding of powers would be, at best, minimal. Again, David

Cameron does not seem to be encouraging or dissuading debate around Britain's relationship with the EU.

Within the Labour Party, the situation is somewhat more complex than within the Conservative Party. There are anti-EU factions within the Labour Party – both to the left and to the right of the party. They are both, however, in a distinct minority. The likes of Tony Benn (who belonged to the anti-European Left) appeared almost irrelevant within the Labour Party of Tony Blair and Gordon Brown. It is even less likely that they will re-surface under Ed Miliband.

Pro-Europeans are quite prevalent across the Labour Party. As with the Conservatives, there is a range of different perspectives. Tony Blair was clearly pro-European. He signed Britain up to the Social Charter almost immediately upon gaining Office in 1997. He was keen to join the single currency and develop the European Rapid Reaction Force.

Overall, Blair's enthusiasm for Europe appeared to filter down through much of the Labour Party. Yet questions always arose as to the strength of support for the Blair position, especially since his removal from office. Gordon Brown, on the other hand, while still keen to remain an active participant within the EU, was by no means as committed to the European project as his predecessor. There appeared to be considerable support for his position.

To date, under Ed Miliband's leadership, the position of the so-called "pragmatic centre" of the party appears to dominate. There is an almost apathetic acceptance of EU membership, subject to guidance from the leadership of the party. Yet there appears to be no leadership on this issue, thus leaving the apathy and a lack of desire to rock the boat from the backbenches.

### **The Institutions of the European Union**

There are a number of important institutions in the EU. Some of these are detailed below. Britain's role within each will also be examined.

### *The Commission*

This body is often perceived as being the civil service of the EU. Its role is actually far more extensive. While the Commission is the bureaucratic arm of the EU, it is also the 'Guardian of the Treaties'. In sum, the Commission drafts legislative proposals for consideration by other EU bodies but it also makes sure that the legislation is applied correctly. A key role of the Commission is to work towards ever-closer union. It also monitors the free movement of goods, services, capital and people throughout the EU.

Within the UK, the Commission gets much bad press. Stories abound in parts of the media of the Commission wanting to ban bent cucumbers, ban the British sausage, or make donkeys wear nappies when working on beaches. All of these are scare stories, with barely a grain of truth to them. Yet the Commission is an easy target to blame. If it does decide to fight back, which of the euro-sceptic media outlets will publish the story?

Currently, there are twenty seven commissioners - one from each state. The current President of the Commission is José Manuel Barroso (a former Portuguese Prime Minister). Britain's commissioner is Catherine Ashton. Each commissioner has a portfolio (almost akin to a cabinet post). Ashton is the High Representative of the Union for Foreign Affairs and Security Policy. She is also one of the Vice-Presidents of the Commission.

While the Commissioners are allocated on a national basis, it is important to note that they do not actually 'represent' their home country (see Table 32.1 for the current Commission). The Commissioners are independent, and actually swear such an oath, although their absolute neutrality can be questioned. They are nominated by their national governments, in consultation with the nominee for the President of the Commission. The nominations and their portfolios must be endorsed by the European Parliament, which can either accept or reject the entire Commission. The European Parliament may not object to an individual nomination, it can only reject (or accept) the whole package of nominations

Table 32.1: The EU Commission (September 2011)

<b>Name</b>	<b>Country</b>	<b>Portfolio</b>
<b>José Manuel Barroso</b>	<b>Portugal</b>	<b>President</b>
Catherine Ashton	UK	Vice President Foreign Affairs and Security Policy
Viviane Reding	Luxembourg	Vice President Justice, Fundamental Rights and Citizenship
Joaquín Almunia	Spain	Vice President Competition
Vice President Siim Kallas Digital Agenda	Estonia	Vice President Transport
Antonio Tajani Netherlands Neelie Kroes	Italy	Vice President Industry and Entrepreneurship
Maroš Šefčovič	Slovakia	Vice President Inter-Institutional Relations and Administration
Janez Potočnik	Slovenia	Environment
Olli Rehn Finland	Economic and Monetary Affairs	
Andris Piebalgs	Latvia	Development
Michel Barnier	France	Internal Market and Services
Androulla Vassiliou	Cyprus	Education, Culture, Multilingualism and Youth
Algirdas Šemeta	Lithuania	Taxation and Customs Union, Audit and Anti-Fraud
Karl De Gucht	Belgium	Trade
John Dalli	Malta	Health and Consumer Policy
Máire Geoghegan-Quinn	Ireland	Research, Innovation and Science
Janusz Lewandowski	Poland	Financial Programme and Budget
Maria Damanaki	Greece	Maritime Affairs and Fisheries
Kristalina Georgieva	Bulgaria	International Cooperation, Humanitarian Aid and Crisis Response
Günter Oettinger	Germany	Energy
Johannes Hahn	Austria	Regional Policy
Connie Hedegaard	Denmark	Climate Action
Štefan Füle	Czech Republic	Enlargement and European Neighbourhood Policy
László Andor	Hungary	Employment, Social Affairs and Inclusion

Agriculture and Rural Development Cecilia Malström	Sweden	Home Affairs
Romania Dacian Cioloș		

Developed from [http://ec.europa.eu/commission\\_2010-2014/index\\_en.htm](http://ec.europa.eu/commission_2010-2014/index_en.htm)

There are a number of issues about the Commission that the EU needs to address. The first of these is whether or not to restructure the entire Commission. In the EU Reform Treaty, the plan was to reduce the number of Commissioners by one third in 2014. Each member state would, therefore, have equal turns in not having a Commissioner (Palmer & Facey, 2008). This position was reversed after the Irish Referendum on the Reform Treaty, to one member-one commissioner. If there are any further enlargements, and a number of countries such as Croatia, Iceland and Turkey, are hoping to join in the near future, the Commission will become even more unwieldy than it is now. This will make the entire decision making process even slower than is currently the case. The profusion of portfolios also makes the Commission rather cumbersome, as there is significant overlap between what already exists. The proposed restructuring meant that some countries would not get a commissioner. This did not prove to be very popular, leaving the Commission unable to reform itself properly.

### *The Council of Ministers*

This body is also known as the **Council of the European Union**, and is still the dominant body within the EU. The Council of Ministers is the legislative body of the EU, although it has been the co-decision maker since the implementation of the TEU. Alongside its' legislative role, the Council of Ministers also co-ordinates the general economic policies of the member states.

The composition of the Council of Ministers is one ministerial representative per Member State. If agriculture is being discussed then all member states agriculture ministers will attend; if transport is under discussion, then it will be the various transport ministers in

attendance, and so on. In effect, you could argue that there are a series of Councils of Ministers.

Each member state has a turn at holding the Presidency of the Council of Ministers. The Presidency runs in a six monthly rotation. With there currently being 27 member states in the EU, each state holds the Presidency for six months in every 13½ years. Britain will next hold the Presidency in July 2017.

Decision making in the Council of Ministers can be complicated. Some decisions are taken by simple majorities (e.g. anti-dumping legislation as part of the Common Competition Policy), and some through unanimity (e.g. enlargement). Most decisions are taken by Qualified Majority Voting QMV). Various treaties have extended the number of policy areas which are decided under QMV.

Under QMV, each member state has a certain number of votes depending upon the size of the country. These are detailed in Table 32.2. To pass any legislation, 255 out of the 345 votes available must be cast in favour. In some cases, half, or even two thirds, of all member states must support the proposals. What this means is that the larger countries cannot impose their will on the smaller member states. Similarly, these countries cannot be held to ransom by the smaller countries, as it would only take four of the largest countries to defeat any proposed legislation.

Table 32.2 Weighting of Votes under Qualified Majority Voting (September 2011)

<b>Votes</b>	<b>Countries</b>
29	France, Germany, Italy, United Kingdom
27	Poland, Spain
14	Romania
13	Netherlands
12	Belgium, Czech Republic, Greece, Hungary, Portugal
10	Austria, Bulgaria, Sweden
7	Denmark, Finland, Ireland, Lithuania, Slovakia
4	Cyprus, Estonia, Latvia, Luxembourg, Slovenia
3	Malta

The EU Reform Treaty changes QMV, but not significantly. From 2014, the new QMV rules will state that at least 55% of the Member States (currently 15/27), which must also represent at least 65% of the EU population, must vote in favour to pass any legislative proposals. Between 2014 and 2017, there will be a transition period, where the current rules may be applied if so requested by member states.

### *The European Parliament*

The European Parliament has over the years become a powerful body within the EU. Until 1979, Members of the European Parliament (MEPs) were nominated from national parliaments. Since then, they have been direct elections on a fixed five-year term. The Treaty on European Union gave the European Parliament the power of co-decision maker. The majority of legislative proposals that come from the Commission and the Council of Ministers must also go through the European Parliament. Along with this legislative power, the European Parliament can hold the Commission to account for the EU budget, and can even reject the Commissions budgetary proposals. The European Parliament also scrutinises both the Council of ministers and the Commission.

The 736 MEPs are elected at a national level. Britain, for example, has 72 MEPs, as does France and Italy. Germany, the largest country, has 99 MEPs while Malta, the smallest, has five. Although elected on a national basis, the MEPs do not sit in national groups. Rather, they sit in ideological trans-national groupings (or, in simple terms, with like-minded thinkers). This is shown in Table 32.3.

Table 32.3 Composition of the European Parliamentary, September 2011

<b>POLITICAL GROUPINGS</b>	<b>NUMBER OF MEPs</b>	<b>BRITISH MEPs</b>
<b>Group of the European People's Party</b>	<b>264</b>	-
<b>Group of the Progressive Alliance of Socialists and Democrats</b>	<b>185</b>	<b>13 Labour</b>
<b>Alliance of Liberals and Democrats for Europe</b>	<b>85</b>	<b>12 Liberal Democrats</b>
<b>European Conservatives</b>	<b>56</b>	<b>25 Conservatives</b>

<b>and Reformist Group</b>		<b>1 Ulster Conservatives and Unionist</b>
<b>Group of the Greens and the European Free Alliance</b>	<b>56</b>	<b>2 Greens 2 Scottish Nationalist 1 Plaid Cymru</b>
<b>European United Left and the Nordic Green Left</b>	<b>34</b>	<b>1 Sinn Fein</b>
<b>Europe of Freedom and Democracy</b>	<b>27</b>	<b>9 UK Independence</b>
<b>Non-attached</b>	<b>29</b>	<b>3 UK Independence 2 British National 1 Democratic Unionist</b>

The 2009 elections were most interesting in Britain, as the UK Independence Party came second in terms of votes won and seats gained. The more pro-European parties – the Liberal Democrats and Labour – fared far less well (as can be seen in Table 32.4). The Conservatives tapped into some of the anti-European sentiment, but also played upon domestic issues, most notably Blair stepping down as Prime Minister and Brown replacing him, but as an ‘unelected’ prime minister. As with all UK elections to the European Parliament, domestic issues were of far greater importance in the campaign than European issues. In fact, it was unlikely as to whether the voting public even knew of any major European issues apart from the single currency.

Table 32.4 European Parliamentary Election Result in Mainland Britain (June 2009)

<b>Party</b>	<b>% vote in mainland Britain</b>	<b>Seats won in mainland Britain</b>
<b>Conservative</b>	<b>27.7</b>	<b>25</b>
<b>UK Independence</b>	<b>16.5</b>	<b>13</b>
<b>Labour</b>	<b>15.7</b>	<b>13</b>
<b>Liberal Democrat</b>	<b>13.7</b>	<b>11</b>
<b>Green</b>	<b>8.6</b>	<b>2</b>
<b>BNP</b>	<b>6.2</b>	<b>2</b>
<b>SNP</b>	<b>2.1</b>	<b>2</b>
<b>Plaid Cymru</b>	<b>0.8</b>	<b>1</b>
<b>Other</b>	<b>8.7</b>	<b>0</b>

Although the SNP and Plaid Cymru percentage of votes look distinctly poor, it must be borne in mind that each party only contested one constituency. The SNP won over 29% of the Scottish vote, while Plaid Cymru gained around 18.5% of the Welsh vote in 2009.

On top of this, there were also three seats contested in Northern Ireland, using STV with the entire province as a single constituency. The Democratic Unionists, Sinn Fein, and Ulster Unionists (although the MEP calls himself a Traditional Unionist, and the party is now known as the Ulster Conservatives and Unionists) each won one seat.

When looking at the results in 2009 and the party break down in 2011, there are some discrepancies. This has been to do with MEPs changing party groups. Edward McMillan-Scott left the Conservatives for the Liberal Democrats in March 2010, while David Campbell Bannerman left UKIP for Conservatives in June 2011.

### *The Court of Justice*

This body is based in Luxembourg. It currently comprises 27 Judges (one from each member state) and 11 Advocates General, each appointed on renewable six year terms. At the time of writing, the 'British' judge **was** Konrad Hermann Theodor Schiemann (who has been in post since January 2004). The appointment of the Advocates General is a little more complex. As of 2009, each of the six larger states has one, while the remainder are shared between the other member states in an alphabetical rotation. The British Advocate General is Eleanor Sharpston (who has been in post since 2006). All appointments to the Court of Justice are non-political (unlike in the United States) and are on merit.

The role of the Court of Justice is to ensure that the laws are observed and that there is consistency of interpretation across the EU. On top of this, the Court of Justice interprets the various treaties of the EU, and is also a court of appeal. An important point to note about the Court of Justice is that it cannot intervene in any dispute by itself. Cases must be referred to it. Examples include: the Commission can bring cases if member states have failed to fulfil an obligation under Treaty requirements; EU members or bodies can have the legality of acts reviewed; and, national courts can refer to the Court of Justice for guidance on rulings.

As the judicial work has increased, a second court was established in 1988 – the Court of First Instance (renamed the General Court in 2009). Like the Court of Justice, the General Court has 27 judges – one from each member state – but no advocates general. At the time of writing, the British representative was Nicholas Forwood, although his term of office will end in 2011. There is a clear divide between the two courts: the General Court focuses on the scrutiny of factual matters, while the Court of Justice focuses on matters of law.

### *The Committee of the Regions*

This body was established through the TEU. It is a consultative committee comprising 344 members. The delegates are appointed on renewable four year terms, and they are generally from local and regional authorities. Each member state is designated a number of members on the Committee of the Regions, depending upon the size of the country.

Table 32.5 Membership of the Committee of the Regions (July 2011)

<b>Number of Members</b>	<b>Member States</b>
24	France, Germany, Italy, UK
21	Poland, Spain
15	Romania
12	Austria, Belgium, Bulgaria, Czech Republic, Greece, Hungary, Netherlands, Portugal, Sweden
9	Denmark, Finland, Ireland, Lithuania, Slovakia
7	Estonia, Latvia, Slovenia
6	Cyprus, Luxembourg
5	Malta

Currently, of the 24 British members, most of them are councillors, although there are two representatives from the Scottish Parliament, and one from each of the Welsh, Northern Ireland and London Assemblies. The council representation stretches across all of the UK.

The creation of the Committee of the Regions was a key part of the subsidiarity within the TEU. As a result the Committee must be consulted on a number of matters pertaining

to local or regional government. Since that time, the remit has been broadened still further. It now includes:

- education and youth
- employment
- environment
- climate change and energy
- economic and social cohesion
- public health
- transport
- the European Social Fund
- vocational training
- social affairs
- culture
- trans-European transport, energy and communication networks
- cross-border cooperation

The Committee of the Regions has the potential to become akin to a second chamber with the EU. It appeared to be, however, the European Parliament that prevented such a development. Having gained a number of powers via the Treaty on European Union, the European Parliament seemed reluctant to share them. Until the Committee of the Regions is directly elected, it may suffer from an apparent lack of accountability.

#### *The European Economic and Social Committee*

This is an advisory body which was created in 1957 to ensure the representation of a range of different sections of society. The sections of society that are represented are employers, workers, and various other interests. These various other interests include farmers, small businesses, environmental organisations, consumer organisations and members of the scientific and academic communities. The committee is very much non-political. Like the Committee of Regions, it comprises 344 members, broken down in the

same way for each member state. Thus Britain contributes 24 members. All members are proposed by their 'home' government for a renewable four year term. Of the British representatives, 8 represent the employers, 8 the workers, and 8 various interests. The European Economic and Social Committee (EESC) presents itself as being the forum where members of civil society can have their say.

The EESC has six sections:

- Agriculture, Rural Development and the Environment
- Economic and Monetary Union and Economic and Social Cohesion
- Employment, Social Affairs and Citizenship
- External Relations
- The Single Market, Production and Consumption
- Transport, Energy, Infrastructure and the Information Society

The EESC can only offer opinions in each of these areas, and, as stated before, these are purely advisory.

### **The Europeanization of British Politics?**

One of the most interesting aspects of Britain's relations with the EU is the extent to which EU practices have filtered into the UK. This is sometimes presented as something to be resisted; that the British way of doing things may be polluted by these foreign influences. Yet the Europeanization of British politics is not solely about the EU telling Britain (and all the other member states) what to do. Such an approach over-simplifies a rather complex relationship. It is not just about central government either. Europeanization can also be linked to regional and local government (see Jones (2007) chapter 5 for the impact of the EU on sub-national government in the UK).

Europeanization is a contested term. To many Euro-sceptics in particular, Europeanization is about the process of creating a United States of Europe. This is probably the most extreme integrationist perception of Europeanization. There is a range of different approaches to the concept. Some ideas of Europeanization are the 'top down'

enforcement, where the EU tells the member states what to do. Bulmer and Burch (1998, p. 602), for example, see Europeanization “as referring to the impact of EU-led changes upon at least two distinct aspects of member states’ activities – policy and machinery”. This can be seen in the legislative arena, where EU law overrides national law where the two conflict. Bulmer and Burch (1998) acknowledge that there are both inter- and intra-state dimensions to Europeanization. The intra-state dimension focuses on the impact on member states (as noted above). The inter-state dimension looks at the impact of the actions of member states upon each other, and upon the EU. Although EU regulations and directives are binding on the states to which they are addressed, there will have been significant national influence in the legislative process (from more than one member state).

Yet Europeanization can also be about ideas, beliefs and attitudes. The EU can influence the way in which people think. This is not to say that the EU transforms everyone into mindless pro-European automatons. Rather, it compels people to contemplate the impact of the EU on their everyday lives. Thus Europeanization may contribute to people developing an anti-EU perspective, or reinforcing anti-EU beliefs.

It must also be noted that Europeanization is not a one-way street. Individual member states, tiers of sub-national government, and pressure groups can all influence the EU (as noted by Bulmer and Burch (1998) with the inter-state dimension of Europeanization). The good practice developed by these organisations may influence the operations of the EU, which, in turn, filters through to all member states. The UK national government has been to the forefront in fighting different forms of corruption within the EU. The good practices utilised by the UK have influenced how the EU fights corruption as well. This is sometimes seen as ‘bottom up’ Europeanization (Börzel & Panke, 2010).

As noted above, Europeanization is not just about national governments. It can influence specific policy areas, and have varying influences across different government departments. For an interesting evaluation of the impact on environmental policy and the Department of the Environment, see Jordan (2003). According to Börzel (2002), on

environmental issues the UK used to be what she termed a ‘foot dragger’ (resistant to other states’ domestic approaches being broadened out to apply to all EU members) or a ‘fence sitter’ (apathetic or indifferent to EU policies). At the turn of the century, Börzel saw the UK as a ‘pace setter’ on environmental policy – promoting specific British policies for adoption across the EU. All of this is part of the process of Europeanization.

When examining Europeanization, Radaelli (2000) asks some interesting questions:

- Is Europeanization making the member states more similar?
- Do different domestic policy structures ‘refract’ Europeanization in different directions?
- If everything is Europeanized to a certain degree, what is **not** Europeanized?

Europeanization is a complex concept. It is often presented as the imposition of the EU and its ideas on to all of the EU. Yet it can produce divergence, as well as promoting integration. In the UK, there has been an emphasis on the negative impact of EU membership. This, too, can be part of the process of Europeanization. And it leaves Radaelli’s last question unanswered: what is not Europeanized?

### **Britain and the Euro**

One area where Britain has appeared resistant to the EU has been over the adoption of the Euro. During the TEU negotiations, then-Prime Minister John Major negotiated an opt-out of the final stage of European Monetary Union (EMU). Thus, while Britain participated in the first two stages of EMU, along with Denmark (and later, Sweden), the British Government declined the opportunity of joining the single currency.

At the time of writing, of the 27 member states, 17 have joined up to the Euro. There is an obligation on all member states that joined in 2004 and 2007 to work towards joining the single currency. Only Denmark, Sweden and the UK are permitted to opt out.

As Prime Minister, Tony Blair was quite keen for Britain to join the Euro. His Chancellor, Gordon Brown, was far less enthused. An agreement was reached between

Blair and Brown that a referendum on British membership of the Euro would be held when Britain met the five economic tests devised by the Treasury (although there is speculation that the tests were drawn up on the back of an envelope by Gordon Brown and Ed Balls). The tests are detailed in Table 32.6.

Table 32.6 Gordon Brown's Five Economic Tests for British membership of the Euro

<ol style="list-style-type: none"><li>1. Would joining economic and monetary union create better conditions for firms making long-term decisions to invest in Britain?</li><li>2. How would Britain's financial services be affected by adopting the single currency?</li><li>3. Are business cycles and economic structures compatible with those of our European partners so that we can all live comfortably with a single interest rate?</li><li>4. Is there sufficient flexibility to be able to deal with any problems?</li><li>5. Will joining help promote growth, stability and a lasting increase in jobs?</li></ol>
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The extent to which Britain has met these tests has been reported to Parliament on only one occasion – and at that time, only one test was considered to have been met. Since then, the issue of the UK joining the Euro has, at best, been on the back burner. The current coalition government has stated that Britain will not join the Euro during the lifetime of the 2010-2015 Parliament.

### **Conclusion - Britain the 'reluctant European'?**

Many people have described Britain as a "reluctant European". By this it is suggested that Britain does not really want to be part of the EU unless it is in British interests. In the formative years, in the 1950s and 1960s, Britain was uninvolved. In the 1970s, Britain joined but participation was hesitant. In the 1980s, Thatcher placed British interests ahead of those of Europe. She looked across the 'pond' to the United States rather than across the 'ditch' to Europe. In the 1990s, internal divisions within British politics have meant that Europe has not remained high on the political agenda. John Major wanted to place Britain at the heart of Europe but many within his party were resistant. Tony Blair, while expressing similar sentiments, appeared rather timid on the

issue of Europe, not wishing to upset the media – and the Rupert Murdoch-owned press in particular – which is for the most part Euro-sceptic or even Euro-phobic. That enthusiasm diminished under Brown, and has disappeared under Cameron.

Yet, when looking at Britain's track record in Europe, the label "reluctant European" may not be totally deserved. Legislation such as the Single European Act, the Treaty on European Union and the EU Reform Treaty were passed by Parliament. Denmark, on the other hand, had to hold two referendums before passing the Treaty on European Union, and Ireland had to do the same for the Treaty of Nice. The EU Reform Treaty was also subject to a referendum in Ireland and, again, the Irish voted No. Sweden returned a 'No' vote on joining the Euro. France and the Netherlands blocked the proposed EU constitution by voting 'No' in national referendums.

When examining the implementation of EU legislation, the UK is one of the better member states in implementing EU law. If a member state fails to implement EU legislation, a dialogue between the EU and the member state will ensue. If this fails to resolve the situation, the EU will issue a 'formal letter of notice' in which the member state has to explain the alleged breach. If this fails, a 'reasoned opinion' is then issued by the EU, which sets out the Commission's view on the breach. Failure to respond here will then see the breach referred to the Court of Justice. Between 1978 and 1999, there were 266 reasoned opinions issued against the UK. This compares with 983 against Italy over the same time period, 684 against France, 682 against Greece (who joined in 1981), 419 against Portugal and 317 against Spain (both of whom joined in 1986). Of the member states who joined prior to 1978, only Denmark and the Netherlands had fewer reasoned opinions issued against them than the UK (see Perkins and Neumayer (2007) for more information).

Within the EU itself, Britain has been to the forefront in attempting to open up the EU to greater scrutiny (e.g. the creation of the Ombudsman) and in fighting fraud and corruption. Upon obtaining office, the Blair Government signed Britain up to the Social

Charter. The Blair Government supported the development of the European Rapid Reaction Force, with a role that can complement NATO membership.

In sum, Britain's relationship with Europe has not been consistent. Much of the problem appears to lie with the popular perceptions of Europe, as portrayed in the media. Infamous headlines such as "Up Yours, Delors", or stories about the banning of British sausages, or donkeys having to wear nappies on beaches (both of which were fictitious) have added to a general hostility towards Europe. Sadly, there is a huge lack of awareness as to what the EU does for the UK. Instead, any mistakes made by the EU are highlighted, along with anything that appears even remotely detrimental to Britain. National flag-waving and anti-Europeanism seem to go hand-in-hand. It may well be that this narrow nationalistic jingoism is what is making Britain appear as a "reluctant European".

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### Questions

1. Britain is still described as a “reluctant European”. To what extent, if at all, is this label justified?
2. A federal Europe is inevitable. Discuss
3. The EU is the most divisive of all issues in British Politics, yet we get few leads from our political leaders. Why is this the case? Justify your position.